TRIVANDRUM

PROCEEDINGS
of
THE TRAVANCORE SRI MULAM ASSEMBLY

FIRST ASSEMBLY.

FOURTH SESSION.

Monday, the 21st January 1935/8th Makaram 1110.

The Assembly met in the Victoria Jubilee Town Hall at Eleven-one of the clock, the President presiding.

VALIDITY OF MEETING.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): On a point of order, Sir. Standing order No. 3 says:—

"The Dewan shall by Notification appoint the date and place for a session of the Assembly.

"The Secretary shall issue a summons to each member for the date and place so appointed."

Sir, according to this provision, a summons was first issued to us that the Assembly was to meet on the 18th of Vrischikam. Later, another summons was issued to us asking us to assemble here on Monday, the 21st of January. And, the Secretary states, in the second summons, that it cancels the earlier one dated the 13th of October 1934.

The point that I raise for your ruling is whether the Secretary has got the power to cancel a summons issued. The Dewan has fixed a date for the Assembly to meet; and it is the duty of the Secretary to issue summons to the members. There is no provision, so far as I can see, enabling the Secretary to cancel summons once issued, not even the Dewan can do it. I request you, Sir, to give a ruling on this so that the Dewan or the Secretary shall not interfere with dates fixed for the meeting of the Legislature, nor with the summons issued to the members about such dates.

Sir, I looked up some rulings in the Assembly and in the Parliament. I find that, in the Parliament, the changing of a date once fixed for a meeting is a very formal ceremony. Such changes have occurred only three or four times in the course of centuries. And, it is done by a Proclamation by the King on the advice of the Privy Council. Sir, it is a very serious matter; and we shall not be asked to go about like this, as occasion arises, in a most informal manner, by a mere post-script by the Secretary that the original summons is cancelled. I request you, Sir, to give a ruling on the matter.

G. P. T. 1338. 350. 17-9-1110.

LIBRARY ARCHIVES Kerala Legislative Assembly

PRESIDENT : The point of order that has been raised is whether this is a lawful session of the Assembly and whether it has been lawfully called. Section 10 of the Legislative Reforms Regulation is clear that it gives power to the Dewan to "appoint such times and places for holding the sessions of either Chamber of the Legislature as he thinks fit." In exercise of that power, the Dewan has appointed this day for holding this session in this hall, and you have been summoned to attend, by a summons, in the usual way. This session has therefore been rightfully called and we are lawfully met here to-day for the transaction of business. That is all that we are concerned with now.

However, as the summons issued for a previous day was cancelled by me and it is that point that is apparently raised, I am quite prepared to enlighten the House on it. Under Section 10 of the Regulation, the Dewan may appoint such times as he thinks fit for holding a session of either Chamber, and he may also prorogue a session. That is to say, he may bring a session into being *at any time* as also terminate it *at any time*. This power, comprehensive as it is, has been interpreted by me to include what is obviously a smaller power, namely, a power to postpone a date fixed for holding a session and, for that purpose, to cancel a summons issued for a particular day and re-issue it for another day. There is therefore no point in the objection raised and I have no hesitation to declare that this is a lawfully constituted meeting of the Sri Mulam Assembly.

NEW MEMBERS SWORN IN.

The following members took the oath and signed the rolls :—

1 Mr. R. Dhanukoti Pillai
2 Mr. K. George
3 Mr. M. Govinda Pillai
4 Rao Sahib Dr. N. Kunjan Pillai
5 Mr. R. Nilakanta Pillai
6 Mr. Kayalam Parameswaran Pillai
7 Mr. James Simpson
8 Mr. R. M. Statham
9 G. B. E. Truscott
10 Mr. John Whitely Tolson.

QUESTIONS AND ANSWERS.

Deepening of the Alwaye River.

1. *MR. M. K. JANARDANA KAMATH (*Commerce and Industry, North*) : Will the Government be pleased to state :

(*a*) whether the scheme, proposed by Mr. John Kuriyan, to deepen the Alwaye river, in his report about rivers, is at present engaging the consideration of the Government ; and

(*b*) if so, whether any steps are being taken to make the said river navigable throughout the year ?

LIBRARY ARCHIVES Kerala Legislative Assembly